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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/754,513	01/04/2001	Kenneth J. West	TTC 022\$ PUS	4164

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EXAMINER

SHORT, PATRICIA A

ART UNIT PAPER NUMBER

1712

DATE MAILED: 02/21/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application N

09/754513

Applicant(s)

West et al

Examiner

Shurt

Group Art Unit

1712

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE three MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Status

- ☒ Responsive to communication(s) filed on December 17, 2002.
- ☐ This action is FINAL.
- ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- ☒ Claim(s) 1-8 11-16 is/are pending in the application.
- ☐ Of the above claim(s) _____ is/are withdrawn from consideration.
- ☐ Claim(s) _____ is/are allowed.
- ☒ Claim(s) 1-8 11-16 is/are rejected.
- ☐ Claim(s) _____ is/are objected to.
- ☐ Claim(s) _____ are subject to restriction or election requirement.

Application Papers

- ☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119 (a)-(d)

- ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
 - ☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been received.
 - ☐ received in Application No. (Series Code/Serial Number) _____
 - ☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

Attachment(s)

- ☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____
- ☒ Notice of Reference(s) Cited, PTO-892
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Interview Summary, PTO-413
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Other _____

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The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 11-14 are rejected under 35 U.S.C. 112, first paragraph, because the specification, while being enabling for a process of reducing surface defects on stainable compression molded SMC doorskin without creating non-uniformly stainable surface comprising selecting an SMC employing an inhibitor and t-amylperoxybenzoate that cures in less than one minute, does not reasonably provide enablement for a process of reducing surface defects on stainable compression molded SMC doorskin without creating non-uniformly stainable surface comprising selecting an SMC that cures in less than one minute. The specification does not enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make the invention commensurate in scope with these claims. The specification gives no criteria or guidelines for selecting an SMC that can be used in the process to reduce surface defects without creating a non-uniformly stainable surface other than one having catalyst/inhibitor mixtures that cure in less than 60 seconds. The only disclosed catalyst is t-amylperoxybenzoate. See page 9, line 23 through page 10, line 8. At page 7, lines 18-25, applicant discloses that combinations of t-butylperoxybenzoate and t-butylperoxoate do not result in cured parts that are uniformly stainable. While cure time can be easily measured, selection of specific catalyst/inhibitor mixtures that result in an SMC that cures in less than one minute to produce a doorskin having reduced surface defects without creating non-uniformly stainable surface defects would involve undue experimentation where no criteria are taught for selecting these catalyst/inhibitor mixtures and an SMC containing catalysts similar to t-amylperoxybenzoate, such as t-butylperoxybenzoate and t-butylperoxoate, does not result in an SMC that cures in less than one minute to produce a doorskin having reduced surface defects without creating non-uniformity stainable surface defects.

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The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-8, 15 and 16 rejected under 35 U.S.C. 102(are) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Buonauro. The reference teaches a composition for use in compression molding to form decorative wear surfaces that comprises curable polyester resin, low profile additive, t-amyl perbenzoate and an inhibitor. See example II. As the composition contains t-amyl perbenzoate and an inhibitor in the amounts disclosed by applicant, the catalyst is present in an amount effective to cure the composition in less than one minute at 150° C. Use of the composition in a conventional process of compression molding to form a molded part such as door component is anticipated by or would have been obvious over the teachings of the reference.

Claims 1-8, 15 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Buonauro in view of Minke. Buonauro is discussed above. Minke teaches doorskins that can be prepared by compression molding using a composition comprising curable polyester resin, low profile additive and catalyst. In view of Minke, it would have been obvious to use the

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compression moldable composition of Buonauro in a conventional compression molding process in order to form doorskins having a good wear surface.

Claims 1-4, 7 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Adembri alone or in view of Minke. Adembri teaches a composition for use in compression molding to form structural components that comprises curable polyester resin, isocyanate prepolymer, catalyst and inhibitor. The composition cures in less than 5 minutes and has a low shrinkage value as compared to traditional polyester compositions. See col. 1, lines 37-42 and col.2, lines 32-41. Catalyst include t-amyl perbenzoate. See col. 7, lines 23-37. Minke teaches doorskins that can be prepared by compression molding using a composition comprising curable polyester resin, low profile additive and catalyst. In view of Minke, it would have been obvious to use the compression moldable compositions of Adembri in a conventional compression molding process to obtain doorskins that have low shrinkage when using a molding cycle of less than 5 minutes.

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February 13, 2003

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